

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

PAIGE A. THOMPSON,

Defendant.

NO. CR19-159 RSL

**GOVERNMENT’S SUPPLEMENTAL
MEMORANDUM REGARDING
RESTITUTION AND FORFEITURE
HEARING**

During today’s hearing concerning restitution and forfeiture, defense counsel referred to a new decision from the United States Court of Appeals for the Third Circuit, *United States v. Banks*, Nos. 19-3812 & 20-2235 (Nov. 29, 2022). The Court invited the parties to submit short briefs concerning the relevance of that case to the present case.

The government has reviewed *Banks*. As stated by government counsel during the hearing, *Banks* addresses whether “intended loss” should be included, along with “actual loss,” when calculating loss under Section 2B1.1 of the Sentencing Guidelines. (In *Banks*, there was no actual loss; therefore, the district court used intended loss to calculate Banks’ Guidelines range. *Id.* at pp. 13.)

Ms. Thompson’s restitution is not dependent upon the calculation of loss under the Sentencing Guidelines. In addition, the loss that the government is asking be included in

1 the restitution award is actual loss, not intended loss. For both reasons, *Banks* is not
2 relevant to the issue before the Court.

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4 DATED: December 1, 2022.

5 Respectfully submitted,

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